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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,500	03/01/2002	Jeffrey W. Ronne	GP-301390	3019

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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/087,500	Applicant(s) RONNE ET AL.	
	Examiner Laura B. Rosenberg	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the Appeal Brief filed 18 April 2005. The examiner has withdrawn finality and issued this non-final office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regards to claim 4, it is unclear how the cushion retention tab extends through the air bag cover. In looking at the drawings, particularly at figure 3, the cushion retention tab appears to be part of the cover that extends upward from the main cover portion to be engaged between the snap-in clip and the removable serviceability attachment feature, but it does not appear to extend through the air bag cover as claimed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato et al. (6,082,761) in view of Dickinson et al. (6,726,418). Kato et al. disclose a roof-rail air bag assembly (including #M1) for a vehicle having a roof rail (including #28), the assembly comprising:

- Air bag module (#M1) including an air bag inflator (#18) and an air bag (#11) with at least one cushion retention tab (including #15)
- Snap-in clip (including #24) able to be attached to the roof rail and to the cushion retention tab (best seen in figures 3-5)
- Inflator bracket (including #19) having an inflator support portion (including #20) and an attachment portion (including #21) with a mounting tab (#21)
- Installation of the air bag module to the vehicle is accomplished by inserting the snap-in clip into the roof rail (best seen in figures 3, 4)
- Assembly able to be installed in the roof rail from outside the vehicle (by reaching into the vehicle from the outside)

Kato et al. do not disclose the snap-in clip being permanently attachable to the roof rail and selectively attachable to the cushion retention tab, the snap-in clip including a fastening portion, or a removable serviceability attachment feature.

Dickinson et al. teach an assembly (best seen in figure 5) for a vehicle having a roof rail (including #52), the assembly comprising:

- Air bag module (additional object described in column 6, lines 43-46) including a mounting portion (some portion of the air bag module would be mounted to upper side #56; column 6, lines 43-46)

- Snap-in clip (including #10) able to be permanently attached to the roof rail (via #36a, 36b) and selectively attached to the air bag mounting portion (via #18, 20), and including a fastening portion (including #18)
- Removable serviceability attachment feature (including #20) able to attach the air bag module at the mounting portion to the snap-in clip by fastening the serviceability attachment feature to the fastening portion of the snap-in clip (best seen in figure 5; columns 5-6), and able to selectively detach the air bag module from the snap-in clip for removal of the air bag module for service by removing the serviceability attachment feature from the fastening portion of the snap-in clip (column 6, lines 47-53)
- Installation of the air bag module to the vehicle is accomplished by inserting the snap-in clip into the roof rail (best seen in figure 5; columns 5, 6)

It would have been obvious to one skilled in the art at the time that the invention was made to modify the air bag module assembly of Kato et al. such that it comprised a snap-in clip being permanently attachable to the roof rail and selectively attachable to the cushion retention tab, the snap-in clip including a fastening portion, and a removable serviceability attachment feature as claimed in view of the teachings of Dickinson et al. so as to combine very easy insertion of the fastener into the roof rail and subsequently extremely difficult separation of the assembly from the roof rail, while allowing for partial or total removal of any elements attached by the removable serviceability attachment feature in the event that service is needed, and reattachment of these elements when servicing is complete (Dickinson et al.: column 6, lines 33-53).

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6. Claims 1-5 and 7-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tajima et al. (6,485,048) in view of Dickinson et al. (6,726,418). Tajima et al. disclose a roof-rail air bag assembly (for example, including #M3) for a vehicle having a roof rail (including #RR), the assembly comprising:

- Air bag module (for example, #M3) including an air bag inflator (#31) and an air bag (for example, #23A) with at least one cushion retention tab (including #26, 28)
- Clip (including #37) able to be attached to the roof rail and to the cushion retention tab (best seen in figure 14), the clip including a fastening portion (including center hole that grips the threaded portion of the fastener #35)
- Removable serviceability attachment feature (including fastener #35) able to attach the air bag module at the cushion retention tab to the clip by fastening the serviceability attachment feature to the fastening portion of the clip (best seen in figure 20; columns 17-18), and able to selectively detach the air bag module from the clip for removal of the air bag module for service by removing the serviceability attachment feature from the fastening portion of the clip (not shown being detached, but is able to be detached)
- Inflator bracket (including #33) having an inflator support portion (including #33a) supporting the air bag inflator and an attachment portion (including #33c) having a mounting tab (#33c) able to receive the serviceability attachment feature (including #35) and able to capture the cushion retention tab (including #26, 28) between the inflator bracket and the clip (best seen in figures 14, 20)

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- Air bag cover (including #27) protectingly covering the air bag and having a tear seam along one edge (any portion of the cover #27 can become a tear seam; column 9, lines 17-19)
- Cushion retention tab (including #26, 28) extending “through” the air bag cover (for example, at bottom portion of #26 as can be seen in figure 20) and able to at least partially support the air bag and the air bag cover (best seen in figures 14, 20)
- Mounting tab (including #33c) of the inflator bracket being attached to the clip with the serviceability attachment feature (best seen in figures 14, 20)
- Capturing the cushion retention tab (including #26, 28) between the mounting tab (including #33c) and the clip (including #37) prior to attaching the clip to the cushion retention tab (column 18, lines 23-51)
- Assembly able to be installed in the roof rail from outside the vehicle (by reaching into the vehicle from the outside)

Tajima et al. do not disclose a snap-in clip being inserted into the roof rail, the snap-in clip being permanently attachable to the roof rail and selectively attachable to the cushion retention tab.

Dickinson et al. teach an assembly (best seen in figure 5) for a vehicle having a roof rail (including #52), the assembly comprising:

- Air bag module (additional object described in column 6, lines 43-46) including a mounting portion (some portion of the air bag module would be mounted to upper side #56; column 6, lines 43-46)

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- Snap-in clip (including #10) able to be permanently attached to the roof rail (via #36a, 36b) and selectively attached to the air bag mounting portion (via #18, 20), and including a fastening portion (including #18)
- Removable serviceability attachment feature (including #20) able to attach the air bag module at the mounting portion to the snap-in clip by fastening the serviceability attachment feature to the fastening portion of the snap-in clip (best seen in figure 5; columns 5-6), and able to selectively detach the air bag module from the snap-in clip for removal of the air bag module for service by removing the serviceability attachment feature from the fastening portion of the snap-in clip (column 6, lines 47-53)
- Installation of the air bag module to the vehicle is accomplished by inserting the snap-in clip into the roof rail (best seen in figure 5; columns 5, 6)

It would have been obvious to one skilled in the art at the time that the invention was made to modify the air bag module assembly of Tajima et al. such that it comprised a snap-in clip being inserted into the roof rail, the snap-in clip being permanently attachable to the roof rail and selectively attachable to the cushion retention tab as claimed in view of the teachings of Dickinson et al. so as to combine very easy insertion of the fastener into the roof rail and subsequently extremely difficult separation of the assembly from the roof rail, while allowing for partial or total removal of any elements attached by the removable serviceability attachment feature in the event that service is needed, and reattachment of these elements when servicing is complete (Dickinson et al.: column 6, lines 33-53).


Response to Arguments

7. Applicant's arguments with respect to claims 1-5 and 7-11 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B. Rosenberg whose telephone number is (571) 272-6674. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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